

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-CV-60984-AUGUSTIN-BIRCH

MELINDA MICHAELS,

Plaintiff,

v.

SEAWATER PRO LLC and
MICHAEL SPANOS,

Defendants.

**ORDER GRANTING JOINT MOTION TO REOPEN
CASE AND PROCEED TO TRIAL, AMENDING TRIAL AND PRETRIAL
SCHEDULE, AND REFERRING CASE FOR SETTLEMENT CONFERENCE**

This matter comes before the Court on the parties' Joint Motion to Reopen Case and Proceed to Trial. DE 89. The parties previously notified the Court that they had reached a settlement, DE 83, however they subsequently were unable to agree on the terms of a written settlement agreement. The parties therefore request that the case be reset for trial. The Court held a status conference with the parties on December 3, 2025.

The Court has carefully considered the record and the parties' positions. The Joint Motion to Reopen Case and Proceed to Trial [89] is **GRANTED**. The Court enters the below pretrial and trial requirements and deadlines. **The Court does not intend to amend this Order or extend any deadline. Absent the submission of a fully executed settlement agreement, the parties must meet each and every requirement and deadline in this Order. Failure to comply will result in sanctions.**

1. Referral for Settlement Conference. This case is referred to the Honorable Patrick M. Hunt, United States Magistrate Judge, to conduct a settlement conference. Judge Hunt will provide

the parties additional information concerning the settlement conference. Each and every attorney, whether or not an attorney of record, who is advising a party regarding the resolution of this case must appear at the settlement conference. The parties must engage in good faith negotiations in an attempt to reach a settlement.

2. Trial and Calendar Call. The trial is set before United States Magistrate Judge Panayotta Augustin-Birch beginning on **February 23, 2026**, at **9:00 a.m.** A calendar call is set for **February 13, 2026**, at **2:00 p.m.** These proceedings will be conducted in person at the United States Federal Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301.

3. Pretrial Submissions Deadline. By **February 6, 2026**, the parties must file and submit proposed jury instructions, a proposed verdict form, and exhibit and witness lists on AO Form 187. The parties must also submit any proposed *voir dire* questions.

4. Jury Instructions and Voir Dire Questions. The parties must file a single joint set of proposed jury instructions and a proposed verdict form and must email the same in Word format to Augustin-Birch@flsd.uscourts.gov. The parties also may, but are not required to, submit proposed *voir dire* questions in Word format to the Court by email. The Court intends to conduct *voir dire*. After the Court questions the jury venire, the Court may give the parties a limited amount of time to question the jury venire. The Court does not permit the backstriking of jurors.

The parties must confer to reach an agreement on as many jury instructions as possible. The proposed jury instructions must include both preliminary and final instructions. Each jury instruction must be typed on a separate page. In preparing the proposed jury instructions, the parties must use as a guide the pattern jury instructions approved by the Eleventh Circuit. To the extent that a proposed instruction is based on an Eleventh Circuit pattern jury instruction, counsel must indicate the pattern jury instruction on which the proposed instruction is modeled. All other proposed instructions must include citations to relevant supporting authority. Where

the parties agree on a proposed jury instruction, that instruction must be set forth in Times New Roman 14-point typeface. Jury instructions proposed only by Plaintiff to which Defendants objects must be italicized. Jury instructions proposed only by Defendants to which Plaintiff objects must be bold-faced. If a party's objection to a proposed jury instruction is that the instruction should not be given, the objecting party must either (i) submit proposed wording for the instruction, or (ii) state that there is no objection to the opposing party's wording of the instruction, subject to the preserved objection. If Defendants does not intend to pursue an affirmative defense at trial or if a pled affirmative defense is not a valid affirmative defense under the law, Defendants should not propose an instruction on that defense and should instead indicate as such in the joint filing.

5. Exhibit and Witness Lists. By the deadline set forth above, each party must file and email to Augustin-Birch@flsd.uscourts.gov a typed list of exhibits and witnesses. The parties must use AO Form 187 to complete the list, which is available at <http://www.uscourts.gov/services-forms/forms>. For trial, all exhibits must be pre-labeled in accordance with the list. Only numerical sequences are permitted; alphabetical designations may not be used. Exhibit labels must include the case number, the exhibit number, and the party (designated with either the letter "P" or "D") offering the exhibit.

6. Additional Court preferences and rules, including rules for communication with Chambers and for bringing electronic equipment into court, are listed on the Court's website at <http://www.flsd.uscourts.gov/content/judge-panayotta-augustin-birch>.

DONE AND ORDERED in Chambers at Fort Lauderdale, Florida, this 5th day of December, 2025.



PANAYOTTA AUGUSTIN-BIRCH
UNITED STATES MAGISTRATE JUDGE